

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

ERICA HAYWOOD,	:	PRISONER HABEAS CORPUS
Petitioner,	:	28 U.S.C. § 2254
	:	
v.	:	
	:	
BEXAR COUNTY ADULT	:	CIVIL ACTION NO.
DETENTION CENTER,	:	1:12-CV-2918-TWT-LTW
Respondent.	:	

**FINAL REPORT AND RECOMMENDATION**

Petitioner is confined at the Bexar County Adult Detention Center in San Antonio, Texas. Petitioner, pro se, is a pre-trial detainee who filed in this Court a petition for a writ of habeas corpus. (Doc. 1.) It is not clear from the petition whether Petitioner challenges a criminal judgment imposed within the jurisdiction of this Court. (*Id.*) Petitioner also complained in her petition of the conditions of her confinement in Texas. (*Id.*)

On September 5, 2012, the Court ordered Petitioner to file an amended petition if she sought to challenge a criminal judgment imposed within this Court's jurisdiction and sent her a form petition for doing so. (Doc. 3.) The Court informed Petitioner that it did not have jurisdiction over any criminal action against her in Texas or any claims regarding the conditions of her confinement there. (*Id.*); see *Birdsell v.*

*Alabama*, 834 F.2d 920, 921 (11th Cir. 1987) (“Petitioner . . . must be ‘in custody’ within the district of the federal court in which the 28 U.S.C. § 2254 habeas petition is brought in order to vest that court with jurisdiction over the petition.”). The Court gave Petitioner thirty days to submit an amended petition and warned her that failure to comply with the Court’s Order may result in dismissal of this action. (*Id.*)

Petitioner has not submitted an amended petition or otherwise responded to the Court’s Order, and the deadline for doing so has passed. Petitioner filed an emergency motion for release from her confinement in Texas, which appears to have been mailed before Petitioner received the Court’s Order as the motion does not acknowledge the Order or indicate that Petitioner is going to file an amended petition. (Doc. 4.)

Accordingly, the undersigned **RECOMMENDS** that this action be **DISMISSED WITHOUT PREJUDICE** for Petitioner’s failure to comply with a lawful order of the Court. *See* Fed. R. Civ. P. 41(b); LR 41.3A(2), NDGa. The undersigned **FURTHER RECOMMENDS** that Petitioner’s motion for emergency release [4] be **DENIED AS MOOT** because Petitioner has not complied with the Court’s Order and the Court does not have jurisdiction over Petitioner’s claim for

release from her confinement in Texas.

**SO RECOMMENDED** this 22 day of October, 2012.

  
LINDA T. WALKER  
UNITED STATES MAGISTRATE JUDGE